

**ASSEMBLY BILL**

**No. 2091**

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**Introduced by Assembly Member Conway**

February 18, 2010

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An act to amend Section 6254 of, and to add Section 6254.19 to, the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2091, as introduced, Conway. Public records: information security.

The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless those records are exempt from disclosure. Investigatory or security files compiled by a public agency, as defined, for correctional, law enforcement, or licensing purposes are exempt from disclosure under the act.

This bill would exempt from disclosure under the act the records of a public agency relating to information security and the investigatory or security files compiled by a public agency for information security purposes.

The California Constitution requires a statute limiting the public's right of access to information concerning the public's business to be adopted with findings demonstrating the interest protected and the need for protecting that interest.

This bill would make a legislative finding to that effect.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 6254 of the Government Code is amended to read:

6254. Except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

(a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

(b) Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810), until the pending litigation or claim has been finally adjudicated or otherwise settled.

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(d) Contained in or related to any of the following:

(1) Applications filed with any state agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, industrial loan companies, credit unions, and insurance companies.

(2) Examination, operating, or condition reports prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).

(3) Preliminary drafts, notes, or interagency or intra-agency communications prepared by, on behalf of, or for the use of, any state agency referred to in paragraph (1).

(4) Information received in confidence by any state agency referred to in paragraph (1).

(e) Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, that are obtained in confidence from any person.

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the California Emergency Management Agency, and any state or local police agency, or any investigatory or security files compiled

1 by any other state or local police agency, or any investigatory or  
2 security files compiled by any other state or local agency for  
3 correctional, *information security*, law enforcement, or licensing  
4 purposes. However, state and local law enforcement agencies shall  
5 disclose the names and addresses of persons involved in, or  
6 witnesses other than confidential informants to, the incident, the  
7 description of any property involved, the date, time, and location  
8 of the incident, all diagrams, statements of the parties involved in  
9 the incident, the statements of all witnesses, other than confidential  
10 informants, to the victims of an incident, or an authorized  
11 representative thereof, an insurance carrier against which a claim  
12 has been or might be made, and any person suffering bodily injury  
13 or property damage or loss, as the result of the incident caused by  
14 arson, burglary, fire, explosion, larceny, robbery, carjacking,  
15 vandalism, vehicle theft, or a crime as defined by subdivision (b)  
16 of Section 13951, unless the disclosure would endanger the safety  
17 of a witness or other person involved in the investigation, or unless  
18 disclosure would endanger the successful completion of the  
19 investigation or a related investigation. However, nothing in this  
20 division shall require the disclosure of that portion of those  
21 investigative files that reflects the analysis or conclusions of the  
22 investigating officer.

23 Customer lists provided to a state or local police agency by an  
24 alarm or security company at the request of the agency shall be  
25 construed to be records subject to this subdivision.

26 Notwithstanding any other provision of this subdivision, state  
27 and local law enforcement agencies shall make public the following  
28 information, except to the extent that disclosure of a particular  
29 item of information would endanger the safety of a person involved  
30 in an investigation or would endanger the successful completion  
31 of the investigation or a related investigation:

32 (1) The full name and occupation of every individual arrested  
33 by the agency, the individual's physical description including date  
34 of birth, color of eyes and hair, sex, height and weight, the time  
35 and date of arrest, the time and date of booking, the location of  
36 the arrest, the factual circumstances surrounding the arrest, the  
37 amount of bail set, the time and manner of release or the location  
38 where the individual is currently being held, and all charges the  
39 individual is being held upon, including any outstanding warrants  
40 from other jurisdictions and parole or probation holds.

(2) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved. The name of a victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83 of the November 7, 2006, statewide general election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor. When a person is the victim of more than one crime, information disclosing that the person is a victim of a crime defined in any of the sections of the Penal Code set forth in this subdivision may be deleted at the request of the victim, or the victim's parent or guardian if the victim is a minor, in making the report of the crime, or of any crime or incident accompanying the crime, available to the public in compliance with the requirements of this paragraph.

(3) Subject to the restrictions of Section 841.5 of the Penal Code and this subdivision, the current address of every individual arrested by the agency and the current address of the victim of a crime, where the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code. However, the address of the victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83 of the November 7, 2006, statewide general election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6

1 of the Penal Code shall remain confidential. Address information  
2 obtained pursuant to this paragraph may not be used directly or  
3 indirectly, or furnished to another, to sell a product or service to  
4 any individual or group of individuals, and the requester shall  
5 execute a declaration to that effect under penalty of perjury.  
6 Nothing in this paragraph shall be construed to prohibit or limit a  
7 scholarly, journalistic, political, or government use of address  
8 information obtained pursuant to this paragraph.

9 (g) Test questions, scoring keys, and other examination data  
10 used to administer a licensing examination, examination for  
11 employment, or academic examination, except as provided for in  
12 Chapter 3 (commencing with Section 99150) of Part 65 of Division  
13 14 of Title 3 of the Education Code.

14 (h) The contents of real estate appraisals or engineering or  
15 feasibility estimates and evaluations made for or by the state or  
16 local agency relative to the acquisition of property, or to  
17 prospective public supply and construction contracts, until all of  
18 the property has been acquired or all of the contract agreement  
19 obtained. However, the law of eminent domain shall not be affected  
20 by this provision.

21 (i) Information required from any taxpayer in connection with  
22 the collection of local taxes that is received in confidence and the  
23 disclosure of the information to other persons would result in unfair  
24 competitive disadvantage to the person supplying the information.

25 (j) Library circulation records kept for the purpose of identifying  
26 the borrower of items available in libraries, and library and museum  
27 materials made or acquired and presented solely for reference or  
28 exhibition purposes. The exemption in this subdivision shall not  
29 apply to records of fines imposed on the borrowers.

30 (k) Records, the disclosure of which is exempted or prohibited  
31 pursuant to federal or state law, including, but not limited to,  
32 provisions of the Evidence Code relating to privilege.

33 ~~(l)~~

34 (l) Correspondence of and to the Governor or employees of the  
35 Governor's office or in the custody of or maintained by the  
36 Governor's Legal Affairs Secretary. However, public records shall  
37 not be transferred to the custody of the Governor's Legal Affairs  
38 Secretary to evade the disclosure provisions of this chapter.

1 (m) In the custody of or maintained by the Legislative Counsel,  
2 except those records in the public database maintained by the  
3 Legislative Counsel that are described in Section 10248.

4 (n) Statements of personal worth or personal financial data  
5 required by a licensing agency and filed by an applicant with the  
6 licensing agency to establish his or her personal qualification for  
7 the license, certificate, or permit applied for.

8 (o) Financial data contained in applications for financing under  
9 Division 27 (commencing with Section 44500) of the Health and  
10 Safety Code, where an authorized officer of the California Pollution  
11 Control Financing Authority determines that disclosure of the  
12 financial data would be competitively injurious to the applicant  
13 and the data is required in order to obtain guarantees from the  
14 United States Small Business Administration. The California  
15 Pollution Control Financing Authority shall adopt rules for review  
16 of individual requests for confidentiality under this section and for  
17 making available to the public those portions of an application that  
18 are subject to disclosure under this chapter.

19 (p) Records of state agencies related to activities governed by  
20 Chapter 10.3 (commencing with Section 3512), Chapter 10.5  
21 (commencing with Section 3525), and Chapter 12 (commencing  
22 with Section 3560) of Division 4, that reveal a state agency's  
23 deliberative processes, impressions, evaluations, opinions,  
24 recommendations, meeting minutes, research, work products,  
25 theories, or strategy, or that provide instruction, advice, or training  
26 to employees who do not have full collective bargaining and  
27 representation rights under these chapters. Nothing in this  
28 subdivision shall be construed to limit the disclosure duties of a  
29 state agency with respect to any other records relating to the  
30 activities governed by the employee relations acts referred to in  
31 this subdivision.

32 (q) Records of state agencies related to activities governed by  
33 Article 2.6 (commencing with Section 14081), Article 2.8  
34 (commencing with Section 14087.5), and Article 2.91  
35 (commencing with Section 14089) of Chapter 7 of Part 3 of  
36 Division 9 of the Welfare and Institutions Code, that reveal the  
37 special negotiator's deliberative processes, discussions,  
38 communications, or any other portion of the negotiations with  
39 providers of health care services, impressions, opinions,  
40 recommendations, meeting minutes, research, work product,

1 theories, or strategy, or that provide instruction, advice, or training  
2 to employees.

3 Except for the portion of a contract containing the rates of  
4 payment, contracts for inpatient services entered into pursuant to  
5 these articles, on or after April 1, 1984, shall be open to inspection  
6 one year after they are fully executed. If a contract for inpatient  
7 services that is entered into prior to April 1, 1984, is amended on  
8 or after April 1, 1984, the amendment, except for any portion  
9 containing the rates of payment, shall be open to inspection one  
10 year after it is fully executed. If the California Medical Assistance  
11 Commission enters into contracts with health care providers for  
12 other than inpatient hospital services, those contracts shall be open  
13 to inspection one year after they are fully executed.

14 Three years after a contract or amendment is open to inspection  
15 under this subdivision, the portion of the contract or amendment  
16 containing the rates of payment shall be open to inspection.

17 Notwithstanding any other provision of law, the entire contract  
18 or amendment shall be open to inspection by the Joint Legislative  
19 Audit Committee and the Legislative Analyst's Office. The  
20 committee and that office shall maintain the confidentiality of the  
21 contracts and amendments until the time a contract or amendment  
22 is fully open to inspection by the public.

23 (r) Records of Native American graves, cemeteries, and sacred  
24 places and records of Native American places, features, and objects  
25 described in Sections 5097.9 and 5097.993 of the Public Resources  
26 Code maintained by, or in the possession of, the Native American  
27 Heritage Commission, another state agency, or a local agency.

28 (s) A final accreditation report of the Joint Commission on  
29 Accreditation of Hospitals that has been transmitted to the State  
30 Department of Health Care Services pursuant to subdivision (b)  
31 of Section 1282 of the Health and Safety Code.

32 (t) Records of a local hospital district, formed pursuant to  
33 Division 23 (commencing with Section 32000) of the Health and  
34 Safety Code, or the records of a municipal hospital, formed  
35 pursuant to Article 7 (commencing with Section 37600) or Article  
36 8 (commencing with Section 37650) of Chapter 5 of Part 2 of  
37 Division 3 of Title 4 of this code, that relate to any contract with  
38 an insurer or nonprofit hospital service plan for inpatient or  
39 outpatient services for alternative rates pursuant to Section 10133

1 of the Insurance Code. However, the record shall be open to  
2 inspection within one year after the contract is fully executed.

3 (u) (1) Information contained in applications for licenses to  
4 carry firearms issued pursuant to Section 12050 of the Penal Code  
5 by the sheriff of a county or the chief or other head of a municipal  
6 police department that indicates when or where the applicant is  
7 vulnerable to attack or that concerns the applicant's medical or  
8 psychological history or that of members of his or her family.

9 (2) The home address and telephone number of peace officers,  
10 judges, court commissioners, and magistrates that are set forth in  
11 applications for licenses to carry firearms issued pursuant to  
12 Section 12050 of the Penal Code by the sheriff of a county or the  
13 chief or other head of a municipal police department.

14 (3) The home address and telephone number of peace officers,  
15 judges, court commissioners, and magistrates that are set forth in  
16 licenses to carry firearms issued pursuant to Section 12050 of the  
17 Penal Code by the sheriff of a county or the chief or other head of  
18 a municipal police department.

19 (v) (1) Records of the Managed Risk Medical Insurance Board  
20 related to activities governed by Part 6.3 (commencing with Section  
21 12695) and Part 6.5 (commencing with Section 12700) of Division  
22 2 of the Insurance Code, and that reveal the deliberative processes,  
23 discussions, communications, or any other portion of the  
24 negotiations with entities contracting or seeking to contract with  
25 the board, or the impressions, opinions, recommendations, meeting  
26 minutes, research, work product, theories, or strategy of the board  
27 or its staff, or records that provide instructions, advice, or training  
28 to employees.

29 (2) (A) Except for the portion of a contract that contains the  
30 rates of payment, contracts for health coverage entered into  
31 pursuant to Part 6.3 (commencing with Section 12695) or Part 6.5  
32 (commencing with Section 12700) of Division 2 of the Insurance  
33 Code, on or after July 1, 1991, shall be open to inspection one year  
34 after their effective dates.

35 (B) If a contract that is entered into prior to July 1, 1991, is  
36 amended on or after July 1, 1991, the amendment, except for any  
37 portion containing the rates of payment, shall be open to inspection  
38 one year after the amendment has been fully executed.

39 (3) Three years after a contract or amendment is open to  
40 inspection pursuant to this subdivision, the portion of the contract



1 or amendment containing the rates of payment shall be open to  
2 inspection.

3 (4) Notwithstanding any other provision of law, the entire  
4 contract or amendments to a contract shall be open to inspection  
5 by the Joint Legislative Audit Committee. The committee shall  
6 maintain the confidentiality of the contracts and amendments  
7 thereto, until the contracts or amendments to the contracts are open  
8 to inspection pursuant to paragraph (3).

9 (w) (1) Records of the Managed Risk Medical Insurance Board  
10 related to activities governed by Chapter 8 (commencing with  
11 Section 10700) of Part 2 of Division 2 of the Insurance Code, and  
12 that reveal the deliberative processes, discussions, communications,  
13 or any other portion of the negotiations with health plans, or the  
14 impressions, opinions, recommendations, meeting minutes,  
15 research, work product, theories, or strategy of the board or its  
16 staff, or records that provide instructions, advice, or training to  
17 employees.

18 (2) Except for the portion of a contract that contains the rates  
19 of payment, contracts for health coverage entered into pursuant to  
20 Chapter 8 (commencing with Section 10700) of Part 2 of Division  
21 2 of the Insurance Code, on or after January 1, 1993, shall be open  
22 to inspection one year after they have been fully executed.

23 (3) Notwithstanding any other provision of law, the entire  
24 contract or amendments to a contract shall be open to inspection  
25 by the Joint Legislative Audit Committee. The committee shall  
26 maintain the confidentiality of the contracts and amendments  
27 thereto, until the contracts or amendments to the contracts are open  
28 to inspection pursuant to paragraph (2).

29 (x) Financial data contained in applications for registration, or  
30 registration renewal, as a service contractor filed with the Director  
31 of Consumer Affairs pursuant to Chapter 20 (commencing with  
32 Section 9800) of Division 3 of the Business and Professions Code,  
33 for the purpose of establishing the service contractor's net worth,  
34 or financial data regarding the funded accounts held in escrow for  
35 service contracts held in force in this state by a service contractor.

36 (y) (1) Records of the Managed Risk Medical Insurance Board  
37 related to activities governed by Part 6.2 (commencing with Section  
38 12693) or Part 6.4 (commencing with Section 12699.50) of  
39 Division 2 of the Insurance Code, and that reveal the deliberative  
40 processes, discussions, communications, or any other portion of

1 the negotiations with entities contracting or seeking to contract  
2 with the board, or the impressions, opinions, recommendations,  
3 meeting minutes, research, work product, theories, or strategy of  
4 the board or its staff, or records that provide instructions, advice,  
5 or training to employees.

6 (2) (A) Except for the portion of a contract that contains the  
7 rates of payment, contracts entered into pursuant to Part 6.2  
8 (commencing with Section 12693) or Part 6.4 (commencing with  
9 Section 12699.50) of Division 2 of the Insurance Code, on or after  
10 January 1, 1998, shall be open to inspection one year after their  
11 effective dates.

12 (B) If a contract entered into pursuant to Part 6.2 (commencing  
13 with Section 12693) or Part 6.4 (commencing with Section  
14 12699.50) of Division 2 of the Insurance Code is amended, the  
15 amendment shall be open to inspection one year after the  
16 amendment has been fully executed.

17 (3) Three years after a contract or amendment is open to  
18 inspection pursuant to this subdivision, the portion of the contract  
19 or amendment containing the rates of payment shall be open to  
20 inspection.

21 (4) Notwithstanding any other provision of law, the entire  
22 contract or amendments to a contract shall be open to inspection  
23 by the Joint Legislative Audit Committee. The committee shall  
24 maintain the confidentiality of the contracts and amendments  
25 thereto until the contract or amendments to a contract are open to  
26 inspection pursuant to paragraph (2) or (3).

27 (5) The exemption from disclosure provided pursuant to this  
28 subdivision for the contracts, deliberative processes, discussions,  
29 communications, negotiations, impressions, opinions,  
30 recommendations, meeting minutes, research, work product,  
31 theories, or strategy of the board or its staff shall also apply to the  
32 contracts, deliberative processes, discussions, communications,  
33 negotiations, impressions, opinions, recommendations, meeting  
34 minutes, research, work product, theories, or strategy of applicants  
35 pursuant to Part 6.4 (commencing with Section 12699.50) of  
36 Division 2 of the Insurance Code.

37 (z) Records obtained pursuant to paragraph (2) of subdivision  
38 (c) of Section 2891.1 of the Public Utilities Code.

39 (aa) A document prepared by or for a state or local agency that  
40 assesses its vulnerability to terrorist attack or other criminal acts

1 intended to disrupt the public agency's operations and that is for  
2 distribution or consideration in a closed session.

3 (ab) Critical infrastructure information, as defined in Section  
4 131(3) of Title 6 of the United States Code, that is voluntarily  
5 submitted to the California Emergency Management Agency for  
6 use by that office, including the identity of the person who or entity  
7 that voluntarily submitted the information. As used in this  
8 subdivision, "voluntarily submitted" means submitted in the  
9 absence of the office exercising any legal authority to compel  
10 access to or submission of critical infrastructure information. This  
11 subdivision shall not affect the status of information in the  
12 possession of any other state or local governmental agency.

13 (ac) All information provided to the Secretary of State by a  
14 person for the purpose of registration in the Advance Health Care  
15 Directive Registry, except that those records shall be released at  
16 the request of a health care provider, a public guardian, or the  
17 registrant's legal representative.

18 (ad) The following records of the State Compensation Insurance  
19 Fund:

20 (1) Records related to claims pursuant to Chapter 1  
21 (commencing with Section 3200) of Division 4 of the Labor Code,  
22 to the extent that confidential medical information or other  
23 individually identifiable information would be disclosed.

24 (2) Records related to the discussions, communications, or any  
25 other portion of the negotiations with entities contracting or seeking  
26 to contract with the fund, and any related deliberations.

27 (3) Records related to the impressions, opinions,  
28 recommendations, meeting minutes of meetings or sessions that  
29 are lawfully closed to the public, research, work product, theories,  
30 or strategy of the fund or its staff, on the development of rates,  
31 contracting strategy, underwriting, or competitive strategy pursuant  
32 to the powers granted to the fund in Chapter 4 (commencing with  
33 Section 11770) of Part 3 of Division 2 of the Insurance Code.

34 (4) Records obtained to provide workers' compensation  
35 insurance under Chapter 4 (commencing with Section 11770) of  
36 Part 3 of Division 2 of the Insurance Code, including, but not  
37 limited to, any medical claims information, policyholder  
38 information provided that nothing in this paragraph shall be  
39 interpreted to prevent an insurance agent or broker from obtaining  
40 proprietary information or other information authorized by law to

1 be obtained by the agent or broker, and information on rates,  
2 pricing, and claims handling received from brokers.

3 (5) (A) Records that are trade secrets pursuant to Section  
4 6276.44, or Article 11 (commencing with Section 1060) of Chapter  
5 4 of Division 8 of the Evidence Code, including without limitation,  
6 instructions, advice, or training provided by the State Compensation  
7 Insurance Fund to its board members, officers, and employees  
8 regarding the fund's special investigation unit, internal audit unit,  
9 and informational security, marketing, rating, pricing, underwriting,  
10 claims handling, audits, and collections.

11 (B) Notwithstanding subparagraph (A), the portions of records  
12 containing trade secrets shall be available for review by the Joint  
13 Legislative Audit Committee, the Bureau of State Audits, Division  
14 of Workers' Compensation, and the Department of Insurance to  
15 ensure compliance with applicable law.

16 (6) (A) Internal audits containing proprietary information and  
17 the following records that are related to an internal audit:

18 (i) Personal papers and correspondence of any person providing  
19 assistance to the fund when that person has requested in writing  
20 that his or her papers and correspondence be kept private and  
21 confidential. Those papers and correspondence shall become public  
22 records if the written request is withdrawn, or upon order of the  
23 fund.

24 (ii) Papers, correspondence, memoranda, or any substantive  
25 information pertaining to any audit not completed or an internal  
26 audit that contains proprietary information.

27 (B) Notwithstanding subparagraph (A), the portions of records  
28 containing proprietary information, or any information specified  
29 in subparagraph (A) shall be available for review by the Joint  
30 Legislative Audit Committee, the Bureau of State Audits, Division  
31 of Workers' Compensation, and the Department of Insurance to  
32 ensure compliance with applicable law.

33 (7) (A) Except as provided in subparagraph (C), contracts  
34 entered into pursuant to Chapter 4 (commencing with Section  
35 11770) of Part 3 of Division 2 of the Insurance Code shall be open  
36 to inspection one year after the contract has been fully executed.

37 (B) If a contract entered into pursuant to Chapter 4 (commencing  
38 with Section 11770) of Part 3 of Division 2 of the Insurance Code  
39 is amended, the amendment shall be open to inspection one year  
40 after the amendment has been fully executed.

1 (C) Three years after a contract or amendment is open to  
2 inspection pursuant to this subdivision, the portion of the contract  
3 or amendment containing the rates of payment shall be open to  
4 inspection.

5 (D) Notwithstanding any other provision of law, the entire  
6 contract or amendments to a contract shall be open to inspection  
7 by the Joint Legislative Audit Committee. The committee shall  
8 maintain the confidentiality of the contracts and amendments  
9 thereto until the contract or amendments to a contract are open to  
10 inspection pursuant to this paragraph.

11 (E) Nothing in this paragraph is intended to apply to documents  
12 related to contracts with public entities that are not otherwise  
13 expressly confidential as to that public entity.

14 (F) For purposes of this paragraph, “fully executed” means the  
15 point in time when all of the necessary parties to the contract have  
16 signed the contract.

17 Nothing in this section prevents any agency from opening its  
18 records concerning the administration of the agency to public  
19 inspection, unless disclosure is otherwise prohibited by law.

20 Nothing in this section prevents any health facility from  
21 disclosing to a certified bargaining agent relevant financing  
22 information pursuant to Section 8 of the National Labor Relations  
23 Act (29 U.S.C. Sec. 158).

24 SEC. 2. Section 6254.19 is added to the Government Code, to  
25 read:

26 6254.19. Nothing in this chapter shall be construed to require  
27 the disclosure of a public agency’s records relating to information  
28 security, including, but not limited to, all of the following:

- 29 (1) Information security plans.
- 30 (2) Information security risk assessments.
- 31 (3) Information security audit and evaluation reports.
- 32 (4) Information security incident reports.
- 33 (5) Disaster recovery plans.
- 34 (6) Records relating to the information security program  
35 established pursuant to Section 11549.3.

36 SEC. 3. The Legislature finds and declares that this act imposes  
37 a limitation on the public’s right of access to writings of public  
38 officials and agencies within the meaning of Section 3 of Article  
39 I of the California Constitution. Pursuant to that constitutional  
40 provision, the Legislature makes the following finding to

1 demonstrate the interest protected by this limitation and the need  
2 for protecting that interest: The Legislature finds and declares that  
3 in order to protect the integrity of public agency information  
4 systems, it is necessary to limit the public's access to public agency  
5 records relating to information security.

O